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Attorneys for Defendant  
7 UBER TECHNOLOGIES, INC.

8 UNITED STATES DISTRICT COURT  
9  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

12 LENZA H. MCEL RATH III, Individually and  
13 on Behalf of All Others Similarly Situated,

14 Plaintiff,

15 v.

16 UBER TECHNOLOGIES, INC.,

17 Defendant.

Case No. 3:16-cv-07241-JSC

**STIPULATION AND [PROPOSED]  
ORDER TO STAY ACTION  
PENDING FINAL SETTLEMENT**

Hon. Jacqueline Scott Corley

18  
19 WHEREAS, Plaintiff Lenza H. McElrath III and Defendant Uber Technologies, Inc.  
20 (collectively, the “Parties”) participated in a private mediation on June 25, 2018;

21 WHEREAS, settlement discussions were successful and the Parties have executed an  
22 agreement to settle the litigation;

23 WHEREAS, the Parties are in the process of finalizing a confidential long-form settlement  
24 agreement and will be filing a stipulation of dismissal with the Court in the near future;

25 WHEREAS, the Court recently ordered supplemental briefing on Uber’s February 10, 2017  
26 Motion to Compel Arbitration of Plaintiff’s Individual Claims and Stay Class Claims, or In the  
27 Alternative Stay Entire Proceeding (the “Motion to Compel Arbitration”) at the Parties’ case  
28 management conference on June 13, 2018;

WHEREAS, pursuant to the Court's order, Plaintiff filed his Supplemental Opposition to Uber's Motion to Compel Arbitration on June 25, 2018, and Uber's reply to Plaintiff's Supplemental Opposition is due on July 2, 2018;

WHEREAS, the Parties agree that, in the interests of judicial efficiency, this action—including further briefing on the Motion to Compel Arbitration—should be stayed in its entirety to allow the Parties to devote their resources to finalizing a settlement agreement.

NOW, THEREFORE, it is hereby stipulated as follows:

1. This action is stayed pending the filing of a stipulation of dismissal no later than August 1, 2018;

2. This Stipulation shall not preclude or prevent the parties from stipulating to, or filing a motion seeking a court order lifting, modifying or extending the terms of this Stipulation upon a showing of good cause.

Dated: June 27, 2018

COOLEY LLP

/s/ Patrick E. Gibbs

Patrick E. Gibbs

Attorneys for Defendant  
UBER TECHNOLOGIES, INC.

Dated: June 27, 2018

PHILLIPS, ERLEWINE, GIVEN & CARLIN  
LLP

/s/ Randy S. Erlewine

R. Scott Erlewine

Attorneys for Plaintiff  
LENZA MCEL RATH III

**SIGNATURE ATTESTATION**

I am the ECF User whose identification and password are being used to file the foregoing Stipulation. In compliance with Local Rule 5-1(i)(3), I hereby attest that the other signatories have concurred in this filing.

Dated: June 27, 2018

COOLEY LLP

/s/ Patrick E. Gibbs

Patrick E. Gibbs

Attorneys for Defendant  
UBER TECHNOLOGIES, INC.

**ORDER**

Pursuant to the stipulation of the parties, this action is stayed in its entirety pending the submission of a stipulation of dismissal, which shall be filed with the Court on or before August 1, 2018.

Dated: \_\_\_\_\_, 2018

\_\_\_\_\_  
Honorable Jacqueline Scott Corley  
United States District Judge  
Northern District of California